

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

JUL 20 2018

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

CR-16-09-GF-BMM

Plaintiff,

vs.

ORDER

CHERYL LYNN LITTLE DOG,

Defendant.

Defendant Cheryl Lynn Little Dog moved for early termination of her current term of probation on March 7, 2018. (Doc. 174.) The Government opposed the motion. (Doc. 176.) Little Dog's probation officer took no position on the motion. (Doc. 174 at 2.) The Court conducted a hearing on the motion on April 25, 2018. (Doc. 178.)

The Court denied in part, and granted in part, Ms. Little Dog's motion for early termination. The Court ordered the parties to file a joint status report when Ms. Little Dog had served eighteen of the twenty-one months of her sentence. *Id.* The parties filed their status report on July 19, 2018. (Doc. 180.) Having reviewed the status report, and for the reasons below, the Court grants Little Dog's motion for early termination.

Little Dog was charged with Harboring a Fugitive, in violation of 18 U.S.C. § 1071, and False Statements to Federal Law Enforcement, in violation of 18

U.S.C. § 1001(a)(2). A jury found Little Dog guilty on both counts on October 18, 2016. (Doc. 119.) The Court sentenced the Little Dog to a term of probation of 21 months on Count I, and a term of probation of 21 months on Count II, to run concurrently. (Doc. 143.) Little Dog has now completed eighteen months of her sentence.

Federal law authorizes a defendant to move for termination of her term of probation after successfully completing one year if the Court is satisfied that such action remains “warranted by the conduct of the defendant and the interests of justice.” 18 U.S.C. § 3564(c) The Court must consider the factors in 18 U.S.C. § 3553(a) when evaluating whether to terminate a term of probation.

Little Dog cites several facts in support of her motion. Little Dog first highlights her compliance while on pretrial supervision for nearly a full year. (Doc. 175 at 2.) Little Dog further raises her continued compliance during the eighteen months of her sentence served thus far. *Id.* In addition, Little Dog raises the minimal level of supervision she enjoys as a result of her compliance, consisting of monthly reports to the probation office and occasional home visits. *Id.*

Little Dog urges the Court to consider her offense in the context of her “exemplary” life. *Id.* She raises her dedicated advocacy against drinking and

driving since she was paralyzed in a car accident at age 18. *Id.* at 2-3. She further draws the Court's attention to her service on the Blackfeet Tribal Business Council before her involvement in the instant matter. *Id.* at 3.

Little Dog further wishes to terminate her term of probation to allow her to travel to Canada for traditional Blackfeet ceremonies. *Id.* She does not identify specific ceremonies or specific dates, but informs the Court that such events may be called on short notice.

The United States opposes Little Dog's motion. (Doc. 176.) In support, the government contends that compliance alone is not sufficient to justify early termination. *Id.* at 4. The government argues that Little Dog's desire to attend ceremonies in Canada cannot justify her request due to her failure to identify specific ceremonies, or specific dates. *Id.* at 2. The government further argues that Little Dog already received the benefit of "her otherwise law-abiding life and good work in the community" because the government requested a probationary sentence in lieu of incarceration. *Id.* at 5.

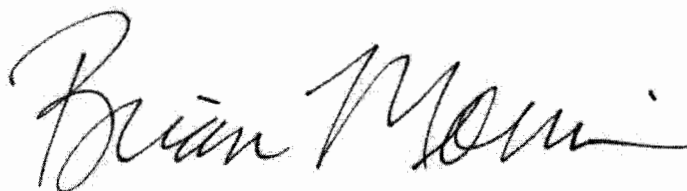
Upon consideration of the factors set forth in 18 U.S.C. § 3553(a), the Court finds that early termination of Little Dog's probation serves the interests of justice. Little Dog, who the government concedes lived an otherwise law-abiding life prior to the instant offense, has complied with conditions of supervision for approximately thirty months before and after her conviction. She has experienced

many collateral consequences as a result of her criminal charges and convictions. Little Dog currently receives no services from United States Probation other than the minimal monitoring discussed above. United States Probation has taken no position, and thus has not opposed, early termination. Under these circumstances, early termination of Little Dog's probation proves warranted.

Accordingly, **IT IS ORDERED:**

1. Defendant's Motion for Early Termination of Probation
(Doc. 174) is **GRANTED**.

DATED this 20th day of July, 2018,

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge